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13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 vs.

20 WARREN STEVEN SMITH,

21 Defendant.

Case No.: CR06-00697 DLJ

**JOINT STIPULATION AND ORDER TO
CORRECT THE FINAL PRESENTENCE
REPORT TO INCLUDE DATE AND FACT
OF DEFENDANT'S MARRIAGE
PURSUANT TO FED. R. CRIM. P. 32 & 36**

Judge D. Lowell Jensen

Defendant Warren Steven Smith pled guilty to one count of distribution of cocaine base on October 12, 2007, and was sentenced on April 11, 2008, to 144 months' imprisonment. During the sentencing hearing, the court orally modified the Department of Probation's Final Presentence Report, dated March 28, 2008, to include, in paragraph 65 of that report, the date and fact of defendant's marriage to Lynn Hamilton on March 28, 2008.

Since it is the policy of the Department of Probation not to issue an amended Final Presentence Report absent a court's order to do so, Defendant Warren Steven Smith and the United States of America hereby jointly consent to a court order that the Department of Probation shall issue an amended Final Presentence Report which states, in the second sentence of paragraph 65, as follows:

"Warren Smith and Lynn Hamilton became engaged on November 17, 2007 and were married on March 28, 2008."

DATED: May 22, 2008

RAMSEY & EHRLICH LLP

By: //s// Ismail Ramsey

Ismail Ramsey
Miles Ehrlich
Felicia Gross

Attorneys for Defendant Warren Steven Smith

DATED: May 22, 2008

SCOTT N. SCHOOLS
United States of America

By: //s// Garth Hire

Assistant United States Attorney

ORDER

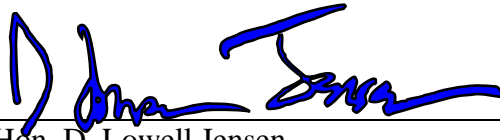
GOOD CAUSE HAVING BEEN SHOWN, this Court orders that the Department of Probation shall issue an amended Final Presentence Report which shall state, in the second sentence of paragraph 65, the following:

“Warren Smith and Lynn Hamilton became engaged on November 17, 2007 and were married on March 28, 2008.”

IT IS SO ORDERED.

DATED: June 2 , 2008

By:



Hon. D. Lowell Jensen
United States District Court Judge